

AN ORDINANCE TO AMEND 98-O-0628 TO ABANDON A PORTION OF HIRSCH STREET, N.W., AN UNOPENED RIGHT-OF-WAY, BETWEEN FOURTEENTH STREET, N.W., AND ETHEL STREET, N.W., LYING AND BEING IN LAND LOT 149 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, SO AS TO AUTHORIZE THE ISSUANCE OF A QUIT-CLAIM DEED FOR THE CONSIDERATION OF TEN DOLLARS, PURSUANT TO CODE SECTION 2-1578; AND FOR OTHER PURPOSES

WHEREAS, on August 3, 1998, the Council adopted 98-O-0628, an ordinance authorizing the abandonment of Hirsch Street, unopened right-of-way between Fourteenth Street and Ethel Street, N.W., and directing the appraisal of the fair market value of the right-of-way area in fee simple, to be paid by the owner as consideration for the issuance of a quit-claim deed; and

WHEREAS, upon learning that the value of the right-of-way area had been appraised by the City at \$242,000, the owner of the surrounding property, the Al-Farooq Masjid Mosque, sought a re-determination of the property interests to be conveyed; and

WHEREAS, a re-examination of pertinent public records shows that no formal dedication of the right-of-way was ever recorded, that the only designation of a street was made in a deed to divide property among heirs in 1880, and that the right-of-way area was never opened, paved, maintained or used in any way by the public; and

WHEREAS, Georgia law holds that right-of-way that remains unopened for more than 15 to 20 years is presumed never to have been a public right-of-way, making the imposition of a price of fair market value in fee simple unauthorized; and

WHEREAS, Section 2-1578 (d) of the Code of Ordinances allows a price to be negotiated for a quit-claim deed in an amount other than a fair-market price obtained by appraisal, in appropriate circumstances, and further authorizes the Council to accept a negotiated price satisfactory to the owner and to the City; and

WHEREAS, the circumstance of Hirsch Street never having been a public right-of-way makes the acceptance of a nominal consideration of ten dollars a fair and lawful disposition of this matter.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1. That 98-O-0628 is hereby amended to delete Section 5 thereof, which directs the appraisal and sale of Hirsch Street at its appraised value.

Section 2. That pursuant to Section 2-1578 (d) of the Code of Ordinances, and as approved by the City Utilities Committee, consideration of ten dollars for the execution of a quit-claim deed to the property described in 98-O-0628 is hereby accepted, and the execution of a quit-claim deed is hereby authorized.

Section 3. That remainder of 98-O-0628 shall continue in full force and effect.

01-O-1315

AN ORDINANCE TO AMEND 98-0-0628 TO ABANDON A PORTION OF HIRSCH STREET, NW, AN UNOPENED RIGHT-OF-WAY, BETWEEN FOURTEENTH STREET, NW, AND ETHEL STREET, NW, LYING AND BEING IN LAND LOT 149 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, AS AS TO AUTHORIZE THE ISSUANCE OF A QUIT-CLAIM DEED FOR THE CONSIDERATION OF TEN DOLLARS, PURSUANT TO CODE SECTION 2-1578; AND FOR OTHER PURPOSES.

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BY COUNCILMEMBER MULLER

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<input type="checkbox"/> CONSENT REFER
<input type="checkbox"/> REGULAR REPORT REFER
<input type="checkbox"/> ADVERTISE & REFER
<input type="checkbox"/> 1st ADOPT 2nd READ & REFER
<input checked="" type="checkbox"/> PERSONAL PAPER REFER
Date Referred
8/6/01
Referred To:
City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To
Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION			
<input type="checkbox"/> 2nd	<input type="checkbox"/> 1st & 2nd Readings	<input type="checkbox"/> 3rd	
<input type="checkbox"/> Consent	<input type="checkbox"/> V Vote	<input type="checkbox"/> RC Vote	
CERTIFIED			
MAYOR'S ACTION			